



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

June 21, 2010

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
AND FACSIMILE AT (239) 596-8823

Christer Kallstrom, CEO
USA Shutter Company, LLC
d/b/a MaestroShield
1455 Rail Head Boulevard
Naples, FL 34110

Re: File No. EB-09-SE-124

Dear Mr. Kallstrom:

This is an official **CITATION**, issued to USA Shutter Company, LLC, d/b/a MaestroShield, ("USA Shutter"), pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"),¹ for marketing unauthorized radio frequency devices in the United States in violation of Section 302(b) of the Act,² and Sections 2.803 and 15.201 of the Commission's Rules ("Rules").³ As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

In 2009, the Commission received a complaint alleging that USA Shutter was marketing unauthorized wireless remote control transmitters used to control window shutters. The complaint was referred to the Spectrum Enforcement Division of the Enforcement Bureau ("Division"). On December 3, 2009, the Division sent a Letter of Inquiry ("LOI") to USA Shutter.⁴ In your December 18, 2009 response to the LOI,⁵ you state that you do not manufacture remote control transmitters, but you admit to importing and marketing⁶ four models⁷ of wireless remote control

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. §§ 2.803, 15.201.

⁴ See Letter from Kathryn S. Berthot, Esq., Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Christer Kallstrom, CEO, USA Shutter (December 3, 2009).

⁵ See Letter from Christer Kallstrom, CEO, USA Shutter, to Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (December 18, 2009) ("Response").

⁶ Section 2.803(e)(4) of the Rules defines "marketing" as the "sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment, or distribution for the purpose of selling or leasing or offering for sale or lease." 47 C.F.R. § 2.803(e)(4).

⁷ Double Channel Wall Mounted Remote Control (Item Number EL03-07), Single Channel Hand Held Remote Control (Item number EL03-08), 4 Channel Hand Held Remote Control (Item Number EL03-09), and Single Channel Wall Mounted Remote Control (Item EL03-15).

transmitters beginning in January of 2007, and importing and marketing one additional model⁸ starting in March of 2007.⁹ You also admit that these five wireless remote control transmitter models are not certified.¹⁰

Section 302(b) of the Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Commission’s implementing regulations provides that:

[N]o person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Intentional radiators,¹¹ such as the wireless remote control transmitters marketed by USA Shutter, are generally required by Section 15.201 of the Rules,¹² to be approved through the certification¹³ procedures described in Sections 2.1031 – 2.1060 of the Rules¹⁴ prior to marketing within the United States. USA Shutter admits that it marketed five models of uncertified remote control transmitters.

Accordingly, it appears USA Shutter has violated Section 302(b) of the Act and Sections 2.803 and 15.201 of the Rules by marketing in the United States wireless remote control transmitter devices prior to obtaining certification.

If, after receipt of this citation, you violate the Communications Act or the Commission’s Rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$ 16,000 for each such violation or each day of a continuing violation.¹⁵

You may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission’s Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that you are taking to ensure that you do not violate the Commission’s rules governing the marketing of radio frequency equipment in the future.

The nearest Commission field office appears to be the Tampa Office in Tampa, Florida. Please call Gabriel Collazo at (202) 418-1217 if you wish to schedule a personal interview. You

⁸ 15 Channel LCD Display Remote Control (Item EL03-17).

⁹ Response at 1.

¹⁰ *Id.*

¹¹ An intentional radiator is “[a] device that intentionally generates and emits radio frequency energy by radiation or induction.” 47 C.F.R. §15.3(o).

¹² *See* 47 C.F.R. § 15.201.

¹³ A certification is “an equipment authorization issued by the Commission based on representations and test data submitted by the applicant.” 47 C.F.R. § 2.907(a).

¹⁴ 47 C.F.R. §§ 2.1031 – 2.1060.

¹⁵ *See* 47 C.F.R. § 1.80(b)(3).

should schedule any interview to take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to:

Kathryn Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Rm. 3-C366
Washington, D.C. 20554

Under the Privacy Act of 1974,¹⁶ we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment.¹⁷

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission

¹⁶ See 5 U.S.C § 552a(c)(2).

¹⁷ See 18 U.S.C. § 1001.